

REMARKS

Amendments have been made to the claims to put them in a more formal format and improve their readability. It is Applicants' position that the amendments are proper and do not contain new subject matter, and therefore should be entered into the application without traverse. New claims 13-20 have been added and are similar to claims 1-3, 5 and 8-11.

In the Office Action, the Examiner rejected Applicants' claims 1, 2, and 5-12 under 35 U.S.C. § 102(e) as being anticipated by US Patent Application Publication 2003/0169422 to Makai. The Examiner also rejected Applicants' claims 3-4 under 35 U.S.C. § 103(a) as being unpatentable over Makai.

Submitted herewith is an declaration under 37 CFR 1.131 of Sai Chu, a co-inventor of the present invention, and Brent Little, an employee of the assignee of the present application. It is respectfully submitted that the Chu declaration, and the evidence attached thereto as Exhibit A, and the Little affidavit, and the evidence attached thereto as Exhibit A-H, show that the invention recited in claims 1-12, and newly added claims 13-20, was conceived prior to the effective date of Makai (March 8, 2002) and with due diligence from a date prior to the effective date of Makai subsequently reduced to practice the invention. In view of the declaration, and since the publication date of Makai (September 11, 2003) is not more than one year prior to the effective filing date of the instant application (April 19, 2004), Makai is not prior art and

therefore not a bar to the grant of a patent on the present application.

For the foregoing reasons, it is respectfully requested that the rejection of claims 1, 2, and 5-12 under 35 U.S.C. § 102(e) and the rejection of claims 3-4 under 35 U.S.C. § 103(a) be withdrawn, and such claims passed to issue.

CONCLUSION

This is intended to be a complete response to the Office Action mailed June 29, 2005. Applicants respectfully submit that each and every rejection of the claims has been overcome, and that the claims as currently presented are in a condition for allowance. Favorable action is respectfully solicited.

Should the Examiner have any questions or comments concerning this response or the remarks contained herein, Applicants' attorney would welcome the opportunity to discuss such matters with the Examiner.

Respectfully submitted,



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